

REMARKS

In view of the foregoing amendments and following remarks responsive to the Office Action of November 16, 2004 and the telephonic interview with the Examiner conducted on January 14, 2005, Applicant respectfully requests favorable reconsideration of this Application.

Claims 1–5, 8–14 and 16–28 are presently pending in the application. In the Office Action of November 16, 2004, the Office allowed claims 1–5, 8–12 and 16–17. The Office rejected claims 13, 18–22, 24–26, and 28 under 35 U.S.C. § 102 as being anticipated by Cotton et al. (U.S. Patent No. 5,870,441). The Office further rejected claim 27 under 35 U.S.C. § 103(a) as being unpatentable over Cotton et al. in view of Stuart (U.S. Patent No. 3,746,800). Finally, the Office objected to claims 14 and 23 but indicated that they would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. The Applicant thanks the Office for this indication of allowability.

On January 14, 2005, the Examiner conducted a telephonic interview with Applicant's representatives Theodore Naccarella and David Cargille concerning these claim rejections. The Applicant and Messrs. Naccarella and Cargille thank the Examiner for this very productive interview. At the interview, the Applicant's representatives presented Applicant's position that in the Office Action of November 16, 2004, the Office misapplied certain claim limitations. In particular, the Applicant disagrees with the Office's assertion that the claim term "phase detector" in rejected independent claims 13, 18, 19 and 28 reads on the bistable multivibrators ("flip-flops") of Cotton et al., and that the limitation "transmitting said logic output statement to a phase

"selector" in rejected independence claims 13 and 18 is met by the transmission of the output of the flip-flops in Cotton et al. to the "combinational circuit 170."

In particular, the Applicant's representatives explained that the term "phase detector" as used in the application could not be reasonably interpreted as encompassing a bistable multivibrator. Rather, the application describes the phase detector as "includ[ing] a truth table yielding a binary output" (specification, p. 2, ll. 4-5). Nevertheless, to remove this issue, the Applicant's representatives proposed to amend claim 13 to make the step of "looking up said binary number in a truth table" expressly relate to the phase detector, by adding the word "that" after "phase detector" and by deleting the semicolon at that location. The Examiner agreed that with this clarification, the "phase detector" limitation would not be met by the bistable multivibrators of Cotton et al.

Accordingly, in the present amendment, based on the January 14, 2005 interview, the Applicant has amended independent claim 13 to clarify that the "phase detector" in the present invention "looks up said binary number in a truth table yielding a logic output statement." Independent claims 18, 19, and 28 have been correspondingly amended to clarify that the phase detector "produces a logic output statement based on a truth table." Applicant submits that in view of these amendments, the claimed "phase detector" element is not met by the bistable multivibrator of Cotton et al., and that claims 13 and 18–28 are therefore allowable.

The Examiner further indicated that the proposed claim amendments discussed during the interview would require additional searching by the Office and thus could not properly be entered unless the Applicant files a Request for Continued Examination.

The Applicant submits that the proposed amendments do not require further searching by the Office because the amendments merely clarify that the previously recited act of looking up the binary number in a truth table is performed by the previously recited phase detector, as disclosed in the specification. Since this was the embodiment disclosed in the specification and since the phase detector as well as the act of looking in a truth table of the binary number were already recited in the claim, it is not reasonable to assert that a competent search of the patentability of these claims prior to this amendment would not have turned up prior art material to the amended claims. Moreover, the present amendment should properly be entered because it places the application in condition for allowance and/or in better form for appeal. The Applicant especially notes in this regard that "[t]he refusal to enter the proposed amendment should not be arbitrary." MPEP § 714.13.

In view of the foregoing amendments and remarks, this application is now in condition for allowance. Applicant respectfully requests the Examiner to enter the present amendment and issue a Notice of Allowance at the earliest date. The Examiner is invited to contact Applicant's undersigned counsel by telephone call in order to further the prosecution of this case in any way.

Respectfully submitted,

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Dated



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